

08/16/2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK----- X
UNITED STATES OF AMERICA

-against-

EDUARD FLOREA

----- X
KOMITEE, District Judge:**[PROPOSED] ORDER OF
REFERRAL
21 CR 37 (EK)**U.S.
DISTRICT
COURT
EASTERN
DISTRICT
OF NEW
YORK
BROOKLYN
OFFICE

Whereas, the defendant in this matter has requested a change of plea hearing, and pursuant to Section 15002(b)(2) of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), Pub. L. No. 116-136, Chief Judge Brodie has issued Administrative Order 2020-4-1, extending former Chief Judge Mauskopf’s Administrative Order 2020-13-3, which found that “felony pleas under Rule 11 of the Federal Rules of Criminal Procedure . . . cannot be conducted in person without jeopardizing public health and safety,” the parties have requested that the plea hearing proceed by video conference. Under the Administrative Orders, felony pleas may be conducted by video or telephone conference if (1) the defendant consents, and (2) “judges in individual cases find, for specific reasons, that felony pleas . . . in those cases cannot be further delayed without serious harm to the interests of justice.” Admin. Order 2020-13-3 at 3.

Accordingly, the court finds that, due to the global COVID-19 pandemic, a felony plea pursuant to Fed. R. Crim. P. 11 cannot be conducted in person without seriously jeopardizing the health and safety of the public, and considering the defendant’s decision to plead guilty, an indefinite delay of the plea in this case may result in serious harm to the interests of justice. Therefore, with defendant’s consent after consultation with counsel, the court finds that a plea hearing by video conference is warranted in this case. I hereby authorize the assigned magistrate

judge to conduct a change of plea proceeding by video conference, or by telephone conference if video conferencing is not reasonably available.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
August 4, 2021

/s/ ERIC KOMITEE

Eric Komitee
United States District Judge
Eastern District of New York